

APPROVED: Meeting No. 33-89

ATTEST: *Sharon A. G.*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 32-89

June 26, 1989

The Mayor and Council of Rockville, Maryland, convened in Worksession in the Boards and Commissions Room, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on June 26, 1989, at 7:00 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Steve Abrams (arrived at 7:38 p.m.)

Councilmember James Coyle

Councilmember Viola Hovsepian

Councilmember David Robbins

In attendance: City Manager Bruce Romer, Assistant City Manager Rick Kuckkahn and City Clerk Sharon Gran.

Re: Worksession with Economic
Development Council

The following items were discussed with Craig Falk, Chairperson, and members of the Economic Development Council:

1. Continuation of Rockville Small Business Forum and participation in Small Business Roundtable. The chairperson, Craig Falk, indicated that he has made contacts with people in the small business community, and the possibility of forming another roundtable such as a minority/women group will be explored.

2. Participation in Business Outreach Program with the Mayor and Council and Chamber of Commerce.

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3. Program or forum on the topic of how to start a business in Rockville. The Chamber and College have already initiated such a program, and the Economic Development Council will work with them in this effort.

4. "Mix and Mingle" events. It was discussed that this could probably be a joint effort with the Rockville Chamber. The Economic Development Council will consider possibly adding additional time to the roundtable breakfast meetings for "mix and mingle" and report back to the Mayor and Council.

5. The Public Information Office is developing a new public relations brochure to market Rockville to the business community.

6. Role of the Economic Development Council in the promotion of Town Center. Councilmember Robbins stated that it is important to focus on working with businesses which will be displaced. Additionally, he felt that a survey should be distributed to individuals attending theaters in Rockville and other events to determine what they are looking for in the way of retail shops, etc.

It was also discussed that a marketing survey for downtown Rockville may be done in conjunction with Rockville's request for appropriation from the State under the Main Street Improvement Program.

7. The Economic Development Council was encouraged to form an alliance with Business Against Drugs.

8. The Mayor and Council encouraged the Economic Development Council to pursue an economic base study of firms and employment groups in the City.

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The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on June 26, 1989, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Steve Abrams (arrived at 7:38 p.m.)

Councilmember James Coyle

Councilmember Viola Hovsepian

Councilmember David Robbins

The Mayor in the Chair.

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The United States Golf Association recently completed their periodic inspection of the Redgate Golf Course, and it was noted that an outstanding job is being done maintaining this golf course.

2. The Summer Youth Employment Program officially began today, marking the tenth year of the program. Eighty-four applicants have been accepted and will be working in positions throughout the City this summer.

3. On June 21, the City received the MML Award for Excellence for its efforts in the area of low-cost fuel recovery. Mayor Duncan and members of the City Council received the award at the MML Convention's Awards Luncheon in Ocean City. This is the second time the City of Rockville has received this award from MML.

4. Also on June 21, Assistant City Manager Rick Kuckkahn was in Charleston, South Carolina to receive an outstanding achievement award in the Tenth Annual City Livability Awards Program of the U.S. Conference of Mayors. The City was presented this award for its support of the arts.

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Mayor Duncan commented that one of the reasons for this award is the City's art acquisition program.

5. Regarding Agenda Item 6A, there is a difference between the amount of the contract and the amount of the low bid. Included in the staff recommendation is an additional \$4,950 for purchase of software following completion of the wage study if it is determined necessary. Agenda Item 6B contains an incorrect figure; the correct figure for the computer-based typesetter is \$31,861.40.

Re: Appointments

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Charles Moore was reappointed to the Retirement and Disability Board.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Bernard Shannon, Ira Walters and Donald J. Bokelman were appointed to Rockville Seniors, Inc.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Eva Cichy was appointed to the Rockville Scholarship Foundation Board as the Wootton cluster representative.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 27-89 (June 1, 1989) were approved, as written.

Upon motion of Councilmember Coyle, duly seconded, with Councilmember Robbins abstaining, the minutes of Meeting No. 28-29 (June 5, 1989) were approved, as written.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 29-89 (June 6, 1989) were approved, as written.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 30-89 (June 7, 1989) were approved, as amended.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the

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minutes of Meeting No. 31-89 (June 12, 1989) were approved, as written.

Re: FYI/Correspondence

Mayor Duncan thanked the City Manager for providing assistance to Chevy Chase and Somerset during the storm clean-up, noting that it was done at no cost to the City.

Councilmember Coyle stated that he had read the USGA Report on the Redgate Golf Course and that staff deserves credit for the outstanding maintenance program. Councilmember Abrams noted that the Recreation and Park Advisory Board also is to be commended for their active interest in the golf course.

Mayor Duncan noted the commendation of Kathleen Moran, Assistant Arts Supervisor, by John Moser, Chairman of Cultural Arts Commission, for her efforts in preparing the City's Livability Award entry.

Regarding handicapped accessibility at the F. Scott Fitzgerald theater, Councilmember Coyle reinforced the importance of expediting this project.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen wishing to address the Mayor and Council.

1. Ruth Loevinger, 12 Lakeside Overlook, as "godmother of Baltimore Road" expressed her concern with Agenda Item 6F, closing of completed capital improvements project. Mrs. Loevinger asked what happens to funds (such as the \$15,000 budgeted in FY89 for widening of Baltimore Road) when they are not expended in the year in which they are appropriated.

Councilmember Hovsepien noted that the funds were for widening of Baltimore Road at the intersection and to remove the first left-hand turn off of Baltimore Road into the shopping center. Mrs. Hovsepien had been advised that this work would be completed in the spring and asked if the City's new fiscal procedures allow funds to be used in the following fiscal year. Staff responded that this project and others which

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appear on the closed list are still fundable under the CIP.

2. Stan Klein, 7 Lorre Court, addressed an issue relating to the impact of federal procurement policies on local efforts to minimize traffic congestion and noted his belief that the federal government policies are working against local government. Mr. Klein cited several examples, e.g., federal regulations allow a subsidy for employee parking as a valid overhead charge but an equivalent subsidy for mass transit use is not permitted. He recommended that the Mayor and Council forward this issue to the Council of Governments for study and evaluation.

Councilmember Abrams noted that COG's Transportation Planning Board is the appropriate forum to review this issue and that they will not be meeting again until September. He indicated, however, that he would forward it to the Technical Review Committee which will meet before the September date.

3. William Marks, 1 Lee Court, expressed his disillusionment with the Board of Appeals' actions in Case No. A-365-89, request for a variance to build a two-car garage. He alleged misrepresentations by the applicant and noted that the Board ignored valid recommendations by the planning staff. On the basis of his experience with this case, Mr. Marks requested the Mayor and Council to cause an investigation of the Board of Appeals to determine if they are meeting their public trust.

Discussion followed as to the Board of Appeals deliberating in closed session. The City Attorney noted that under the state open meeting law, the Board of Appeals, acting in a quasi-judicial capacity, can deliberate in private if they so choose. However, their findings of fact and conclusions of law must be openly stated.

Mayor Duncan expressed his concern with Mr. Marks' comments, and the City Manager and staff were requested to look into this matter and respond to the Mayor and Council.

4. Gino Valenti, Community Ministries Board Member representing St.

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Elizabeth's Roman Catholic Church, thanked the Mayor for being present and representing the City at St. Elizabeth's 25th Anniversary Celebration. Mr. Valenti also distributed copies of Community Ministries of Rockville's Annual Report.

There being no other citizen wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Consent Agenda

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council approved the following Consent Agenda items:

- A. Award of Bid for consulting services to Municipal Advisors, Inc. in the amount of \$22,825

The consulting services to be provided are a competitive public/private sector wage study and an updated Personnel Classification Program.

- B. Award of contract in the amount of \$31,861.40 to Varitype, Inc. for purchase of computer-based typesetter.

This typesetter replaces a ten-year old machine that no longer meets the high volume requirements of the graphics division and is no longer functional.

- D. Award of Bid #97-89 for roof joint bearing repairs to Darwin Construction Co., Bethesda, Maryland, for the low bid amount of \$39,000.

This project will provide corrective maintenance repairs to joist bearing supports at the Public Works Maintenance Building on Rothgeb Drive.

- G. Approval of waiver for on-site Storm Water Management for the property at 1584 Rockville Pike in the Cabin John and Rock Creek drainage areas and acceptance of a \$14,720 contribution for the off-site SWM fund.

The developer, Alvin Steinberg, plans the

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construction of a restaurant.

Re: Adoption of Resolution to close
completed capital improvement project
accounts

Resolution No. 16-89

Pursuant to City fiscal policy number 21, this Resolution will provide formal authorization to close completed capital improvement projects. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 16-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to close completed capital improvement project accounts.

Re: Recommendation on Award of Bid 106-
89 for Microcomputer Equipment and
Software

The equipment purchased will include IBM PS/2's and IBM printers, Hewlett-Packard printers and the standard package of software for the new machines (Lotus 1-2-3, WordPerfect, PC-DOS, 3270 emulation). Councilmember Hovsepian noted that the total cost for the equipment and software is \$95,064. Upon motion of Councilmember Abrams, duly seconded, with Mayor Duncan abstaining, Award of Bid 106-89 for microcomputer equipment and software was approved.

Re: Art Acquisition Program--Award of
Commission

This proposal is for permanent art work for the Council Chamber. Following a call for entries, artist Connie Ward Woolard was selected by a committee to create three 3' by 4' paintings presenting scenes of Rockville. These paintings will be displayed in the Council Chamber. Additionally, 5,000 postcards will be produced with one of the painting's image on the front. The total cost of the project is \$5,000.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, award of art commission to Connie Ward Woolard in the amount of \$5,000 was approved.

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Re: Adoption of ordinance to amend Chapter 3, "Personnel Regulations," Section 3-1.14, "Retirement Benefits," of the "Laws of Rockville" so as to set forth those employees who are eligible to participate in the City's retirement system.

Ordinance No. 20-89

This ordinance provides for adherence to the City's law and Internal Revenue Service standards. It will modify the existing status of a number of nonmerit employees with respect to retirement. Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Ordinance No. 20-89, the full text of which can be found in Ordinance Book No. 14 of the Mayor and Council, was adopted so as to set forth those employees who are eligible to participate in the City's retirement system.

Re: Adoption of Resolution to approve Exploratory Application PRU-4M-88, Archdiocese of Washington, applicant.

Resolution No. 17-89

The subject property is a 5.23 acre record lot located at the southeast corner of the Intersection of Route 28 and Glen Mill Road and is part of the Rockshire Planned Unit Development. The applicant, acting for the contract purchaser, seeks to use some of the excess residential density available in the Rockshire PRU to develop the property with 24 homes on individual lots.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Resolution No. 17-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to approve, with conditions, Planned Residential Unit Application No. PRU-4M-88, Archdiocese of Washington, Applicant.

Re: Discussion and Instructions to staff regarding amendment to Section 5 of Article VIII of the Charter of the City of Rockville so as to provide that the position of assistant city manager shall be included in the list

of positions that the Council may include in the non-merit system by ordinance and to remove the positions of 1) assistant to the city manager; 2) deputy police chief; 3) members of the information systems division; 4) senior budget analyst; 5) golf course superintendent; 6) assistant golf course superintendent; 7) administrative assistant to the director of recreation and parks; 8) assistant director of finance; 9) landscape architect; 10) aquatic facilities manager (evening and weekend); and 11) public information officer, from the list of positions that the Council may include in the non-merit system by ordinance, and further to provide that any new position authorized and approved by Mayor and Council may be placed in the non-merit system.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, staff was instructed to prepare an amendment to Section 5 of Article VIII of the Charter of the City of Rockville so as to delete certain enumerated positions from the list of positions that the Council may include in the non-merit system by ordinance and further to provide that the position of assistant city manager and any new position authorized and approved by the Mayor and Council may be placed in the non-merit system.

Re: New Business

Councilmember Abrams indicated that the Mayor and Council had been given two dates for completion of the intersection of Ritchie Parkway and Falls Road, i.e., June 12 and June 24. Since it is now June 26, he questioned whether there is a revised date for completion. The City Manager stated that he would check into this and report back. Councilmember Coyle noted that he had spoken with Mary Boergers regarding this matter and that she was going to get in touch with Mike Snyder.

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Councilmember Hovsepian noted the June 20 memorandum from the Science and Technology Commission with recommendations regarding an energy management program. The City Manager was asked to respond to this issue in FYI.

Councilmember Hovsepian stated that she would not be present at the July 10 meeting. She also shared with the audience a bumper sticker she received at the Maryland Municipal League Convention which states "Have You Hugged Your Municipal Official Today?"

Councilmember Coyle received a letter from a resident on Fallsmead Way expressing shock at the size of the signs for the new I-270 interchange at Falls Road. It was noted by Councilmember Abrams that the City Manager has spoken with this citizen in the past and he had also spoken with her during a drop-in session regarding landscaping rights-of-way. Mr. Romer noted that while the signage had been approved prior to his appointment as City Manager, he would pass the citizen's information on to the State Highway Administration.

Councilmember Coyle raised two other issues, the first dealing with the use of the land where the depot currently sits on Falls Road. Citizens want to know when and if the depot will be closed and what use will be made of the four acres of land. The second issue concerns plans for fencing in that area where homes will be exposed to noise from I-270 if the depot is moved out. It was noted that the State has agreed to come in to discuss options regarding this issue with the City, and the City Manager stated that he will report back to the Mayor and Council.

The Mayor and Council were then provided with an update on the completion of the outdoor pool at the Swim Center (beginning to mid-August) and the opening of the Farmer's Market (scheduled for July 8). Regarding the Farmer's Market, it was noted that 10,000-15,000 flyers were going to be distributed at the Fourth of July celebration and that it was also being promoted with news articles. Staff was aiming for a minimum of six vendors, but there is room for as many as 12.

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Councilmember Abrams commented that he had seen Councilwoman Kathy Titus from Chevy Chase on TV commending Rockville for their help with the massive tree removal and other storm clean-up.

Re: Executive Session

The Mayor and Council convened in executive session at 8:27 p.m. to discuss land disposition and personnel matters.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:40 p.m., to convene again in General Session at 7:30 p.m. on July 10, 1989, or at the call of the Mayor.